IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 25TH JULY 2006 / 3RD SRAVANA 1928

Bail Appl..No. 4270 of 2006

(CRIME NO.645/2006 OF KOTTARAKKARA POLICE STATION)

PETITIONER/ACCUSED

DR.YESUDAS,
S/O.DANIEL, DANI BHAVAN,
KADALAVILA, NELLIKUNNAM,
KOTTARAKKARA.

BY ADV. SRI.ALEXANDER GEORGE

RESPONDENTS: COMPLAINANT

1. STATE OF KERALA,
REP. BY DIRECTOR OF PUBLIC PROSECUTION,
HIGH COURT OF KERALA, ERNAKULAM.

2. STATION HOUSE OFFICER,
KOTTARAKARA POLICE STATION,
KOTTARAKARA.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 25/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.4270/2006

DATED THIS THE 25TH DAY OF JULY, 2006

O R D E R

The petitioner was before this Court, under Section 438 Cr.P.C., in B.A.No.3503/2006. As per the order dated 26.6.2006, the same had been dismissed in respect of the petitioner. Hence, he is again before this Court for the same relief, on the ground that one Allen Philip was responsible for the misappropriation and misuse of the funds, which he had been settled with the petitioner and therefore, the petitioner is innocent and he prays that a pre-arrest order may be issued in favour of him.

2. I direct the petitioner to surrender before the Investigating officer of Kottarakkara Police Station, on 3.8.2006 between 10.30 a.m and 11.00 a.m. The investigating officer shall interrogate the petitioner and produce him before the Judicial Magistrate of First Class-I, Kottarakkara.

3. If the investigating officer requires the petitioner for further interrogation, he may move an application for getting the custody of the petitioner before the Court below, in which event the learned Magistrate shall consider the matter and dispose of it according to the law, on merit. If no application is filed by the investigating officer, the learned Magistrate shall consider the bail application, that may be moved by the petitioner, and dispose of it according to the law. If the copy of the bail application is served to the APP well in advance, the disposal of the same shall be done on the same day itself.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs